

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: St Paul District
FILE NUMBER: 05-1046-DJP

REGULATORY PROJECT MANAGER: Dale J. Pfeiffle **Date:** March 4, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** March 4, 2005
 At the project site ___ (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Wisconsin
County: Waukesha
Center coordinates of site by latitude & longitudinal coordinates: 42.9867765117N, 88.4224726112W
Approximate size of site/property (including uplands & in acres): 25
Name of waterway or watershed: Upper Rock, Illinois, Wisconsin

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ___ Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): A wetland delineation was received for review and concurrence for a 25 acre parcel that is under consideration for additional residential development. Two single family homes are currently located at the site.

The wetland delineation report identified 4 separate wetlands on the subject property. A review of the local soil survey indicates that the property is located within a kettle-moraine complex consisting of upland soil series with B to E slopes surrounding wetlands confined to "kettles". A review of available aerial photography failed to identify any surface water connections between the "kettle" wetlands and local waters of the US. None of the maps reviewed identified any streams on or adjacent to the property. The wetlands on the subject property are not located near a water of the US and therefore are not adjacent waters. In addition, a nexus with interstate commerce could not be found.